

21st May, 1948.

UNITED NATIONS WAR CRIMES COMMISSION

Trial of Kenitji Sone,

Temporary Court-Martial, Batavia,

14th August, 1946

(The following translation of the judgment has been made available to the Secretariat by Commander H. W. Mouton, Netherlands Representative on the Commission.)

Pro-Justitia.

SENTENCE.

IN THE NAME OF THE QUEEN!

The Temporary Court-martial in Batavia in the case of the Prosecutor, *ratione officii*, against:

SONE, Kenitji, born at Yura Mura, Hidaka Gun, Wakajama Ken, Japan, aged 36, captain in the Japanese army.

In view of the order for committal for trial by the Temporary Court-martial issued by the Prosecutor attached to the Temporary Court-martial in Batavia and dated 5th July 1946.

In view of the order dated 30th July 1946 convening the Temporary Court-martial, at the foot of which the accused is charged by the Prosecutor as supplemented at the sitting:

that he, in Batavia, in or about the period from 20th September 1942 to 23rd June 1945, therefore in time of war, as a subject of the enemy power Japan, in his function as Camp commandant of the 10th Battalion P.O.W. camp from 20th September 1942 to 15th March 1944, at anyrate thereabouts, and then of the Tjideng internment camp from about 1st April 1944 to about 23rd June 1945, committed and caused to be committed war-crimes against Dutch, Ambonesian, Australian, English and American prisoners of war in the 10th Battalion camp and the civilians, women and children, concentrated in the Tjideng camp, by, contrary to the laws and customs of war, treating them badly and exercising a systematic reign of terror over the aforementioned persons, repeatedly and in any case many of them or causing them to be ill-treated in a way that far exceeded the limits of a normal exercise of discipline, making them parade for roll-call for hours on end, including at night, denying them rest, food, medicines, care and attention and, further, causing the women and children especially to do excessively heavy work, which reign of terror and/or bad treatment exercised by him or by his orders caused the death of several prisoners and interned persons, or at anyrate caused them bodily and mental suffering.

In view of the-

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/ unnecessarily ill-treating them or at anyrate

In view of the serving of the writ and summons of 31st July 1946 whereby the accused is summoned to appear on Monday, 5th August 1946 at 9 a.m. before the Temporary Court-martial sitting in the building of the former Supreme Court of Justice in the Netherlands East Indies.

In view of the demand read out in front of and then presented to the Temporary Court-martial by the Prosecutor to the effect that:
the Temporary Court-martial declare the afore-mentioned accused,

SONE, Kenitji

guilty of the war crimes:

- I. Systematic terrorism.
- II. Bad treatment of prisoners of war.
- III. Bad treatment of civilian internees

and on that account condemn him to the DEATH PENALTY.

In view of the documents of the case which, where use was made of them, were shown to and seen by the accused.

In view of that which was put forward by the accused in his defence.

CONSIDERING firstly that counsel for the accused, as far as the Court has been able to judge from his faulty Dutch and incorrect distinction between the primary and alternative acts charged, has in his speech for the defence raised the "exceptio obscuri libelli" against the charge as altered in the sitting of 5th August 1946 by the addition of the word "American" between the words "English" and "prisoners of war" which follow it, on the grounds that the note of the alteration does not contain a specification of the acts imputed to the accused as required by law;

CONSIDERING that the Court does not share this point of view and is of the opinion that the war crimes imputed to the accused, namely, "systematic terrorism", "bad treatment of prisoners of war", "bad treatment of civilian internees" c.f. Statute Book 1946 No. 44 art. 1, sections 2, 30 and 35, have found real and sufficient specification in the description of the acts and their grouping, reading: repeatedly and in any case unnecessarily ill-treating them or many of them or causing them to be ill-treated in a way that far exceeded the limits of a normal exercise of discipline, making them parade for roll-call for hours on end, including at night, denying them rest, food, medicines, care and attention and further causing the women and children especially to do excessively heavy work - from which specification the accused, reasonably speaking, must have understood and been able to understand what are the acts with which he is charged;

CONSIDERING that counsel for the accused, following his speech for the defence verbatim, reads an indictment in the charge of:

- primarily: 1. bad treatment of prisoners of war and internees;
2. exercising systematic terrorism over those persons;

alternatively:

1. ill-treatment in a manner far exceeding the limits of a normal exercise of discipline;
2. causing to parade for roll-call for hours on end, including at night;
3. denial of sufficient rest, food, medicine, care and attention;
4. imposing excessively hard work especially on women and children;

and chiefly directs his "exceptio obscuri libelli" at the primary charge, confining himself with regard to the alternative charge to the complaint

that the form of-

that the form of the committal order is very unsatisfactory in its description of the act, which ground for complaint is however so weak that in the event of no "exceptio obscuri libelli" arising he wishes the committal order to be ruled out thus making it no remedy in law.

CONSIDERING that this reading of the charge is incorrect in view of the fact that the charge does not contain a primary and an alternative accusation/ of the war crimes - this being wrongly designated by counsel as primarily charged acts- and a description of the group of acts producing the war crimes indicated, which last counsel incorrectly views as an alternative accusation, so that on the ground of this faulty interpretation put forward by counsel the "exceptio" referred to by him must be rejected:

CONSIDERING finally that the "exceptio obscuri libelli" raised was advanced for the first time in the speech for the defence, therefore after the examination at the sitting was concluded which conclusion was immediately preceded by the declaration, made also by counsel, that no further act of enquiry was desired, while during the comprehensive investigation carried out at the sitting neither he nor accused advanced anything from which the Court could conclude that the groups of charges had not been understood thereby hampering the accused's defence, so that the "Exceptio" must be looked upon as having been raised altogether too late;

CONSIDERING after summing up what has been deliberated above in this respect that a triple ground exists for the rejection of the "exceptio obscuri libelli";

CONSIDERING fundamentally that at the beginning of the examination at the sitting the accused denied having been guilty of the charge brought against him but, without having retracted his original denial, has several times made statements containing a full acknowledgment of a special point under examination so that the Court has not interpreted any of his statements to his prejudice unless the point being dealt with was expressly acknowledged by him, and when judging statements made by witnesses only the accused's acknowledgment in that case was taken into consideration by the Court;

CONSIDERING that the Court has divided the evidence into two large groups, namely the period from 20th September 1942 to 15th March 1944 during which the accused was commandant of the 10th Bat. camp used as a prisoner of war camp, and the period from 15th March 1944 to 23rd June 1945 during which he was commandant of the Tjidong civilian internment camp;

CONSIDERING that for both periods the provisioning of the camps as far as food and medicine were concerned was centralised and ordered by Japanese Army Headquarters in this country without the various camp commandants - accused included- being able to exercise a decisive influence in this respect, so that in this case it is not the accused but his superiors, especially ANANIE and KIMAIPE in this connection . who in the first instance must be held responsible for the shortage of food and medicines;

CONSIDERING that from the lengthy series of statements made by witnesses the Court does not think that legal^{on} convincing proof has been produced of these two facts imputed to the accused so that therefore he bears no responsibility for them, this not implying however that as camp commandant he was ignorant of the bad state of affairs which existed;

CONSIDERING that during the sitting the Court has dealt with a number of statements made in writing by witnesses whom it considered need not appear in person, of some of which statements it has not been possible to establish that they were made on oath, the signature also being lacking in some cases, but to which statements the Court has nevertheless paid attention in view of their general agreement with the majority of those statements made by witnesses which were duly signed and testified to on oath;

CONSIDERING with-

CONSIDERING with regard to the first period, that of the 10th Battalion camp, that from the 25 statements read out at the sitting and shown to the accused in a Japanese translation, namely those by: BRUMMER, FEYTES, BEROEADJIAN, FRANK, van OMEN, le CLERCQ, RIJAN, BERGIN, EULLOCK, van VOORST tot VOORST, ROBERTSON, MILLER, HENRY, FILGATE, SALJA, ATHUTA, HALATOE, THIEN, SALAU, PATTIE, NELSON, REILLY and DIKKERHOFF legal and convincing proof has been produced showing that Dutch, Ambonesian, Australian, English and American prisoners of war detained in the 10th Battalion camp were repeatedly unnecessarily and seriously ill-treated by accused or by his orders in a way that far exceeded the limits of a normal exercise of discipline, they being struck with the bare fist and with hard objects, made to stand on parade for hours on end, at night as well, deprived of sufficient rest and recreation and in the case of MERKELBACH the Court, basing this on statements made by FEYTES and le CLERCQ, making accused equally answerable for his death, the urgently needed care and medical attention having been withheld from him;

CONSIDERING that the afore-mentioned witnesses stated:

BRUMMER:

that in connection with the escape of a prisoner accused and a Japanese segeant-major beat a private and a sergeant over the head with sticks and straps for more than an hour so that they were taken away with their faces swollen and bleeding;

that witness was told by Lt. van GOOR who had a broken arm that accused had smashed this with blows from a stick because in his, accused's, opinion witness' hair was not cut short enough;

FEYTES:

that he himself had seen accused smash Lt. van GOOR's wrist with a stick; that he personally saw Sergt. COOKE, who had been made responsible for the escape of van EERSEL, a militiaman, beaten with a rattan cane till blood flowed from his face and neck after which he was shut up for a month in a dark, stuffy, damp cell full of mosquitoes and without a mosquito net;

that one of van EERSEL's friends was so seriously ill-treated that his face and head swelled forming a red, bleeding mass and he was unrecognisable;

that the officers had often to stand to attention for hours on end, that an elderly lieutenant of the Reserve Corps fainted on that account and remained lying on the ground, bleeding from his mouth, no one being allowed to help him; that 2 prisoners of war, MERKELBACH being one, who had been seriously wounded by a sentry were not allowed any help or treatment from 5 to 6.30 a.m. when they were flung into a lorry and driven off; that in the sick-bay accused made a savage attack on an old man lying sick and ill-treated him because he did not stand up quick enough to salute;

that accused was a sadist who conducted his trials in a cruel, barbarious and inhuman way;

BEROEADJIAN:

that an Ambonesian working-party which had arrived back at 4 p.m. in the streaming rain took shelter in huts which it was only allowed to enter at 4.30 p.m., this being sufficient motive for accused to make all the Ambonesians, including those in the sick quarters, approx. 1000, on, parade in front of him after which he beat them one by one with a strap having metal on it, the result being that several were wounded on the face and received black eyes, after which they had to remain on parade in the streaming rain for another two hours; that a lot of beating was done in the camp;

FRANK:

that at a medical inspection he was considered to be a doubtful case whereupon accused gave him 4 such hard blows on the face that teeth were knocked out and his left ear-drum burst;

Van OMEN: that-

Van OMEN:

that because they had refused to sign a declaration of obedience to the Japanese accused hit 15 Ambonesian and Menadonesian soldiers for about an hour with a teak ruler and his fists till blood ran down their faces;

le CLERCQ:

that for about 1½ hours accused maltreated Sergt. Cooke badly punching him steadily in the face with the full force of his fists;

that on 1st January 1943 two Dutchmen, seriously wounded by a Japanese sentry, were not allowed to receive any attention for four whole hours after which they were taken to a hospital outside the camp; that on 3rd January 1943 news came that they had died; that accused was known to be a thorough brute; that the Governor-General, Army commander, colonels and others were badly treated by him; that in front of all the officers Sergt. COOKE was severely disciplined in a revolting manner for 1½ hours till his face, eyes, nose and mouth were swollen and bleeding; that on one occasion because some of them were playing chess in the huts, ^{the officers} were made to stand to attention from 12 noon to 8 p.m. without anything to eat, while one of them was knocked to the ground and had to be carried away unconscious;

RIJAN:

that accused seized a 60 year old Ambonesian fusilier by the throat because he had hung his clothes to dry in a forbidden spot and shook him backwards and forwards till he lost consciousness and fell to the ground whereupon he was kicked in the ribs; that the old man was unconscious for about a quarter of an hour;

BERGIN:

that accused acted in a particular^{ly} rough and brutal fashion, that according to tales told of him he was a brute and himself flogged prisoners for no reason or practically no reason, which acts evoked protests from Brigadier BLACKBURN and Wing Commander DAVIS;

BULLOCK:

that accused was very cruel; that when men of a working party working in a garden three miles away became ill, they were forced to march back at a smart pace; that he saw accused hit a Dutch officer 6 times in the face with a bundle of thick cord which the latter had brought with him from another camp; that when conducting a house-search accused destroyed utensils of all sorts; that the sick were given two-third rations; that accused himself examined operation patients and kept them waiting for hours at a stretch; that accused caused a large part of the mail to be burnt; that certain doctors had told him, witness, that accused had broken their jaws for some very slight breach of the rules such as not standing up quickly enough or in time when a guard passed;

Van VOORST tot VOORST:

that accused had said to the Governor-General that he considered beating prisoners a bad habit; that however under accused there was a veritable reign of terror of beatings in the camp, officers and top-ranking officers being also among the victims; that accused set an example here in the most brutal fashion; that he smashed the radius of Lt. van GOOR's left fore-arm with a bit of iron for no reason at all and not because his hair was not cut short enough; that two or three days earlier van GOOR's hair had been cut to 3.5 millimetre;

that accused had himself struck about 100 Ambonesians twice across the face with a broad leather strap; that not a day passed without several severe beatings being given with a bit of iron; that the general feeling of restlessness and insecurity in the camp could be attributed to the accused; that all the top-ranking officers having been drawn up in two rows facing each other they had to shout out Japanese orders; that everyone, even in the bath-room at the time, had immediately to re-act to

the orders which-

the orders which were continuously resounding; that a continual reign of terror ruled in the camp making life itself unbearable;

ROBERTSON:

that because Flying Officer MOORHOUSE had accidentally turned on the electric light, accused flogged him for a quarter of an hour then struck him to the ground so violently. that MOORHOUSE, half-unconscious, was unable to get up, after which accused made him stand to attention on guard for some time;

MILLER:

that on 5th February 1944 accused was in the kitchen and had all the food and cooking utensils taken away to the office after which he destroyed medical equipment and supplies in the dysentery hut, then turned everything upside down in the medical orderlies' quarters and having found a camera which had already been found and left alone at other inspections he seriously ill-treated a number of the orderlies, that he then closed the hospital for some days and patients had to be attended to in the huts; that at inspections, in spite of the fact that they had been admitted to hospital, he discharged patients so that they could go back to their normal work;

HENRY:

that accused was a tho roughly bad lot, always ready to hit out; that in October 1943 he hit 20 Dutch officers for about 1½ hours with his fist and then when his hand hurt struck them over the head with a stick; that he put a group of Australians suffering from dysentery on a transport for Thailand (Siam) after first having flogged them; that he closed the hospital for some days and flogged the patients because they asserted that they were ill; that he was made on collective punishments and repeatedly closed the canteen on one or other pretext;

FILGATE:

that in May 1946 accused struck 6 Australians to the ground because owing to sickness they arrived a little late for roll-call; that a number of Ambonians who did not wish to become "HEIHOS" were cruelly beaten;

that MOORHOUSE, who had turned on the electric light by mistake, was flung to the ground several times then made to stand to attention for a considerable length of time; that in December 1943 accused held a punishment roll-call for officers one of whom he hit violently with his clenched fist for 10 minutes because he laughed; that in August 1943 he made all the patients attend a roll-call, the worst cases being allowed on stretchers, then kept them waiting in the burning sun for 2 hours;

that he limited the number of patients allowed to be admitted to the hospital; that he very often administered corporal punishment and on one occasion told a number of officers at a roll-call that he knew he was violating the conventions but did not mind about that in the slightest;

SAIJA:

that because he and 9 other Ambonians refused to serve in the Japanese army accused struck them mercilessly to the ground with a bit of wood and kicked them in the stomach if possible, after which they had to clean out the latrines with their hands, cut grass under barbed wire then make holes in the hard ground in which to bury bits of broken glass; that they were ^{then} examined by a Dutch doctor and were shut up for a night in a cell, having to sleep on the bare ground;

ATIHUTA:

that he saw 10 Ambonians who did not want to sign on for the Japanese army savagely hit by accused with a bit of wood until they bled, they then had to stand to attention and were afterwards stuck into prison;

HALLATOE:

that witness saw accused go like a wild animal for Dr. GUNLACH who was left lying on the ground unconscious and bleeding from wounds in the head, after which Dr. WILKINGA was flogged;

THENU: that he-

THENU:

that he saw accused go for Dr.GUNLACH like a wild animal, knocking him to the ground several times and then practically flogging him across the courtyard of the St.Vincent Hospital till Dr.GUNLACH's face and head were one bleeding mass, after which Dr.WILLINGA was thrashed;

SALAU:

that he saw a Dutch nerve specialist, a tall thin man suffering from beri-beri, being flogged for about an hour by accused and saw him being knocked down until his face lost its shape and he became unrecognisable;

PATTIE:

that accused held a roll-call for those patients in the St.Vincent Hospital who did not parade quickly enough for his liking, that at this he made the stretcher cases stand up after which he knocked them to the ground; that DOUCET especially had a bad time;

that accused had also ill-treated Dr.GUNLACH and had given him 85 blows on the head and neck as a result of which his ear-drum burst and he had a bad swelling in the neck. Dr.GUNLACH was then put in a punishment cell and received no medical attention;

NELSON:

that in connection with the shooting of two Dutchmen by the Japanese accused made all the English-speaking prisoners stand to attention for three hours under threat of machine-guns; that accused hit REILLY who wanted to get into touch with the American Consul and then had him kept in prison for a month;

REILLY:

that accused was a brute and a sadist who hit people for no reason at all; that witness was flogged by him for 15 minutes and then imprisoned for 10 days because he gave details in a letter of how the accused made dysentery patients work;

DIECKERHOF:

that the cantine where extra food could be bought was repeatedly closed; that as a form of punishment the entire camp of 3,000 men had to stand ^{on} parade for from 6 to 24 hours and anyone suspected of a misdemeanour was thrashed with a stick or hit with his fist by accused himself; that witness himself was beaten 6 or 7 times for no reason and was once suspended by his hands from a stake for 2 hours, the accused while he was hanging giving him another blow on his face; to all of which statements the accused has chiefly replied by saying that he does not remember the cases, has partially denied them, has suggested that they be declared exaggerated and in any case has not made a full acknowledgement of them.

CONSIDERING with regard to the 2nd period, that of the Tjideng camp, that from statements made by the four doctors there, namely VEENBAAS, van WULFFTEN PALATHE, MARKAR-ALKEMA and RIJKEBUSCH ^{né} LOMBERT which agree in the main with each other and also agree with the statements of the witnesses VERHOOGST-SMAL, MUTHERT-VRIJER, CORNELISSE-van EENDENBURG, van der VLERK, WILLESE-TROMP, SCHAAK-van REE, van BAARSEL-de RAVE, BOLLOURS-JOPPE, NOLLER, TWIGHT and van BARNEVELD-GEELWERKEN, all of which statements were read out in front of and shown to the accused in a Japanese translation, it has been legally and convincingly proved that accused repeatedly, unnecessarily and cruelly ill-treated the civilians, women and children, interned in that camp, withheld sufficient rest and medical attention from them and made several women and young girls do work which was much too heavy, while the Court, accepting the conclusions of the afore-said doctors which are also those arrived at by the Court after considering them in conjunction with each other, considers it legally and convincingly proved that accused is directly and equally responsible for the death of dozens of men, women and children;

CONSIDERING that the-

CONSIDERING that the witnesses mentioned above have declared:

VEENBAAS:

that he had to see accused nearly every day with respect to food, housing and hygienic conditions; that accused was the prototype of the Japanese European-hater and his criminal intention was to destroy the whites intellectually and physically, to which object he gave himself up whole-heartedly; that he brought about the worsening conditions in the camp by overcrowding the houses under primitive conditions, providing insufficient food, washing and drinking water, letting the cess-pits be neglected and forcing the internees, including women, to do very heavy manual labour; that accused is both directly and indirectly responsible for many cases of death; that many women and old people were ill-treated by him and witness several times carried away victims who had been beaten senseless, that one case, that of Mrs. de JONG, was so serious that she had to remain in hospital for several weeks with concussion; that women and girls often had to stand in the burning sun for hours and bow some hundreds of times; that Dr. van HASSELT, who was more than 60 and through being blinded/had not bowed quick enough to accused, was beaten black and blue; that the Rev. KATER was shut up in a small room with closed windows; that at the end of September 1944 accused held a roll-call for the whole camp, the sick included, which lasted from 7 p.m. till midnight and was repeated next day from 1.30 p.m. to 11 p.m.;

Dr. van WULFFTEN-PALTHE:

that the accused was quite unaccountable in his behaviour at full moon; that, expressing it extremely mildly, the feeding and conditions in the camp were frightful, the camp over-crowded and women and children had to do all the work which was terrible on the rations handed out; that in spite of the fact that there was money in the camp the accused would not give permission for food to be bought as was in his power to do; that it looked as if a system of slow starvation was being applied and everything possible done to destroy the morale of the internees, that with the sudden changing round of houses the women, who had to do all the work, ended up exhausted; that roll-calls were held in the sun for all, including the sick, for hours at a stretch; that one of the worst humiliations was the cutting off of the hair of women who sometimes had to kneel before him, sometime before the HEIHO's; that this happened once in front of accused and some guests, all drunk, who were intensely amused by it; that accused himself was always beating someone; that in January 1945 witness was once called in by a woman who had been beaten by accused and was suffering from a fracture of the base of the skull; that nothing was too vile for the accused and he never did anything to ease the circumstances; that about one month before the capitulation although he knew the camp was starving food was kept back for three days, bread as it came in being buried in drains and holes and made unfit for consumption; that there were very many deaths in the camp for which the accused is indirectly if not directly responsible; that in the last three months the food was very insufficient and good food came too late for many after the capitulation as their wasted bodies could not digest it; that it was surprising that no cases of insanity appeared;

Dr. MARCAR-ALKEMA:

that at full-moon accused had fits of savagery during which he was continually drunk and everybody went in fear of him; that when he was not suffering from such a fit he was all out to make life as bitter as possible for the internees; that he was a born organiser of chaos, over-crowded the houses and forbade every sort of relaxation, while the internees were slowly starved; that his favourite form of activity was kicking and beating; that one day in March 1945, because their children had not bowed sufficiently, Mrs. van der HENGST and Mrs. van der VLERK were flogged over a distance of 100m. in the Trivelli avenue till they lost consciousness and were then not allowed to receive any medical attention for the first two days;

that he delighted -

that he delighted in exhausting the women; that he made them do very heavy work and shut them up in increasingly smaller spaces; that he made them suddenly move house; that living conditions were frightful; that most suffered from diarrhoea and the cess-pits were out of action; that during a roll-call for the sick Dr. SCHELTEMA was flogged because she had protested for one patient; that when transports came in those on them were searched for hours on end; that accused once ordered three starvation days and the internees were given no food; that he then himself rendered food present in the kitchen uneatable and had the bread which had been brought in buried by the work-women; that even the old people and those who were ill got no food; that accused is said to have expressed the opinion that the camp must liquidate itself, this being entirely compatible with his whole behaviour; that all the dogs were collected together at the entrance and there clubbed or stabbed to death; that the capitulation on 15th August 1945 came too late for many; that medicines were very scarce in the camp and that underfeeding was the chief cause of death in most cases;

Dr. RIJKEBUSCH-LOMBERT:

that for several months the quantity of food was far beneath the accepted level as a result of which there were sufferers from hunger oedema and avitaminosis for whom accused did nothing, that several times the medical service sent in a request to the accused for improvement but without result; (a bundle of such requests was handed up:)

that on 5th June 1945 the issue of food was stopped and food and bread then present destroyed, this continuing till the 7th June inclusive; that no fires were allowed, that there were no cases of death directly following from this but that this measure had a very prejudicial effect on the weak and ill; that the medical care declined badly, hospital space was insufficient, provision of water inadequate and the sanitary arrangements in the hospital very bad, that there was an absolute shortage of medicines, that the accommodation was scandalously bad as was also the hygienic situation which was very bad for those suffering from diarrhoea; that people had to stand waiting for hours on end in the burning sun; that on 10th or 11th May 1946 a transport from Bandoeng had to wait for several hours in the open while the people ^{were} searched by HEIHO's, the accused himself ill-treating several women belonging to this transport; that the accused did a lot of beating in the camp, that as a result Mrs. de JONG and Mrs. HENGST had concussion and Mrs. van der VLERK had to be treated by a surgeon; that 70 to 80 per cent of the deaths were due to lack of sufficient food; that the accused was fully acquainted with the situation through the requests and reports sent in;

VERHOOGT-STAL:

that by the brute SONE's (accused's) orders an old lady was put into a garage at the prison and the door nailed up; that the same day Dr. van HASSELT was brought in with stains of blood on his coat and was then beaten; that the state of affairs was exceptionally bad in the camp; that punishment roll-calls were repeatedly held including for the seriously ill; that the camp was once punished by being deprived of food for 36 hours, this measure affecting everybody including the sick children, and what food there was present was buried in the ground; that mothers were frightfully ill-treated for things their children had done; that 4 HEIHO's were scandalously ill-treated in front of 4 girls and the corners of their mouths slit open because they had allowed a gang of women workers to come into contact with the outer world; that on 22nd August 1944 children of about 13 were forced to beat the camp dogs to death;

MUTHERT-VRIJER:

that witness was a "block leader"; that the lavatory conditions were hopelessly bad and the cess-pits continually full, and these latter had to be emptied by the internees; that the accused did not have the refuse and filth taken away; that the water supply was of the worst, the accused doing nothing in the matter; that it often happened that at the roll-calls, to which babies had also to be brought, people were made to remain standing

for an hour as-

for an hour as a punishment; that on 30th September 1944 a roll-call of all who were ill was held and lasted till midnight, that at this Dr. SCHELTEMA was beaten in a frightful way by accused because she stood up for one of the worst patients; that on the same occasion a woman who had fainted was not allowed to be helped in any way; that women were given the very heaviest sort of work to do such as hauling round drums full of food, this at a time when they were absolutely played-out; that on 16th May 1945 ten women had to make coffins and girls were picked out to repair bicycles belonging to the Japanese; that no religious services were allowed to be held and the clergymen were first punished and then transferred elsewhere; that music and singing was forbidden and that from 2nd September 1944 the women were not allowed to have an afternoon rest; that accused stole money and all sorts of articles in daily use and also had the issue of milk and "pisang" (bananas) kept back; that accused had everybody beaten in a house which bordered on the limits of the camp because flowers had been thrown in; that old Mr. TETELAAR, aged 69, was first given a drubbing because of so-called disrespect and then shut up for some time; that once a whole street had to move house in forty minutes, after which the victims were allowed to return again some days later; that as a punishment he dispersed whole families over the camp; that on 22nd August 1944 all the dogs had to be killed by boy internees; that accused had the habit of dropping in on the women unexpectedly; that he called a roll-call of old men of over 60 and submitted them to a medical examination for transportation, this being done in a rough and merciless fashion; that after having beaten women black and blue in a horrible way he cut off their hair; that accused himself destroyed one of the two kitchens, as well as goods belonging to those who were in the process of having to move house; that he had thrashed girls while they were working because they came from Bandoeng; that a number of women who had been driven by hunger to do bartering over the fence were sworn at in the filthiest manner, the block-leaders then being beaten (witness fainted) that witness herself had her head shaved in a merciless fashion for the amusement of accused and his guests; that the same evening he made the women go on working at the fencing till early morning at the end of which - this was the 20th June 1945 - he shouted at them a sentence in Japanese which was translated by the Japanese interpreter that all the women were going to die; that the worst houses were chosen out for the mental section; that accused had the distribution of food entirely stopped from 5th to 7th June 1945, this happening again on 21st June 1945;

CORNELISSE-van EENDENBURG:

that witness was a "block-leader"; that accused by his action stopped the free market; that from October 1944 to March 1945 the situation in the camp got steadily worse till it finally became unbearable; that for a fortnight at the end of 1944 no supplementary food at all was given out, while the accused also often stopped the supplies of fruit for those who were sick; that about May and June the situation was at its worst, no food at all being issued for two days and bread being kept back, this on account of greetings not having properly carried out; that he gave the women the very heaviest sort of work to do, even making them use mattocks on horticultural work; that his object was to exhaust the women; that accused brought the inmates of the camp to a state of fear-psychosis, cultivating this by hitting out right and left and roaring and shrieking; that because of bartering going on over the fence he flogged some dozens of women and girls in a frightful way then cut their hair off in a cruel manner; that punishment roll-calls were often held and lasted for hours, this also for those who were seriously ill; that he allowed large monkeys to break loose which then bit right and left in the camp; that though accused suffered from moon-madness he knew very well what he was doing;

Van der VLIERK-FENS:

that on 27th December 1944 accused seriously ill-treated her and Mrs. van der HENGST because he thought their children had called him a Jap meaning this for an insult; that this ill-treatment was systematically

carried out-

carried out with rubber truncheons including the handles, three of which he broke on their bodies, after which they were taken from the prison to the hospital and back again and left there without any medical attention for a good three weeks; it turned out some time later that Mrs. van der HENGST was suffering from concussion;

WILLEMSE-TROMP:

that accused forced her to kneel on the hot asphalt and then without any reason made her stand to attention from 5.30 p.m. till 11 p.m.;

SCHMALE-van REE:

that on the night of 21st-22nd June 1945 accused cut off her, witness', hair and that of several other women with blunt clippers in a barbarous fashion, several of the women receiving wounds;

Van BAARSEL-de RAVE:

that in June 1945 the entire Tjideng camp, 10,700 strong, was punished by all food being withheld for 48 hours and the existing food destroyed; that on 21st June 1945 women who owing to hunger had been obliged to take part in the large-scale bartering which went on over the camp fencing, had their hair cut off in a barbarous manner; that witness saw two women whose hair had been cut off and one of whom had a wound from which blood was issuing, being compelled to run behind accused's bicycle; that the head-shaving was carried on at night and was accompanied by violent ill-treatment and extreme humiliations;

BOLLEURS-JOPPE:

that in December 1944 an epidemic of dysentery reigned during which all fruit and medicines were kept back from the sick so that an average of eight people died per day; that thirty old bed-ridden men in the camp were flogged on to lorries for transport to Grogol, several dying within five days;

MULLER:

that on 30th September 1944 a roll-call was held for all who were ill which lasted from 2.30 p.m. till late at night, on which occasion Dr. SCHELTMA-JOUSTRA, who stood up for a patient, was seriously ill-treated; that in March 1945 half the nurses were dismissed from the hospital and eating and drinking was forbidden while on duty;

TWIGT:

that accused once made it impossible to use the patients' food which was in the kitchen by mixing it up with stones and destroyed certain electrical apparatus without any reason; that accused also is to blame for the three days starvation; that the nurses on duty at night were not allowed to eat or drink and accused had once punished Sister HAGENAAR for doing this by making her stand from 5 to 9 p.m.;

Van BARNEVELD- GEELKERKEN:

that because one night rolls were toasted, coffee made and some knitting done accused made all the sisters stand to attention from 4.30 to 8.30 a.m. in his office and confiscated the coffee, knitting and some fifteen books;

CONSIDERING that the thoroughly proven facts constitute a violation of the rules and usages of war and are indeed in conflict with among others the Rules of Landwarfare of 1907 and the Geneva Convention and that they were committed by accused, a subject of the enemy power, Japan, in time of war, that is, during the war against the Allies which ended by the capitulation of Japan upon 15th August 1945, wherefore these acts constitute war crimes;

CONSIDERING that the cases of ill-treatment carried out by accused and those he caused to be carried out are so numerous and in several cases so serious that the victims of them suffered severe physical pain, and

by the which the entire camp population, both that of the 10th Battalion as well as that of the Tjideng camp, was seized with a fear psychosis, these ill-treatments constituting the war crime "systematic terrorism", while the remaining acts, namely the hour long roll-calls, the withholding of sufficient food and relaxation and the causing women and girls to do immoderately heavy work, constitute the war crime "bad treatment of prisoners of war", this in so far as they were committed by accused in the 10th Battalion camp, and "bad treatment of interned civilians", in so far as this was committed by accused in the Tjideng camp;

CONSIDERING further that accused's guilt in these war crimes, foreseen and made punishable by article 1, sub sections 2, 30 and 35 of Statute Book 1946 No. 44, ^{is proven} by the above depositions, considering them in mutual connection and relationship with each other, for which reason he deserves to be declared guilty on that account sentenced;

CONSIDERING with regard to the punishment to be inflicted that the Court wishes in the first place to take into consideration that, as accused himself has acknowledged, the Japanese Government laid down rules and regulations for the treatment and feeding of prisoners of war and internees, copies of which rules and regulations were handed in at the trial and taken note of by the Court;

CONSIDERING that these rules and regulations were known to the accused and that therefore he was acquainted with the duties of a camp commandant towards those persons finding themselves in a camp;

CONSIDERING that at the trial accused has repeatedly said that he wanted to show himself a first-class officer of the Imperial Japanese Army and chiefly for that reason inflicted disciplinary punishments in order to maintain discipline in the camp, but that having now had to live for eight months as a prisoner of war he has come to the conclusion that his behaviour was not as correct as it should have been;

CONSIDERING however that from ^{the} enquiry at the sitting the Court has come to the conclusion that accused has violated the truth in attempting to justify his atrocities by an appeal to the necessity for maintaining order and this, as he expressed it, by way of disciplinary punishments, because in the first place it has nowhere appeared that the prisoners of war and civilian internees confided to his charge had any intention of seriously opposing the camp regulations and orders issued by him, and further, that in the behaviour of his victims he can never find a justification for the appalling cruelty and misbehaviour by which he frequently made a whole camp of thousands of persons suffer for the misdemeanours committed, or supposedly committed, by the few;

CONSIDERING that in judging the accused the Court takes into consideration the fact that according to the views and habits of the Japanese army of which accused is a member and which views and habits he understandably shares, dealing out blows is a normal method of correction, but that even by this standard the excesses committed by accused cannot be excused, they indeed having far exceeded the normal exercise of such correction;

CONSIDERING that during the enquiry at the sitting the Court has come to the conclusion that the accused has an exceptionally callous and cruel nature and also had the cunning to carry his ill-treatment only so far that his victim suffered the maximum of pain but did not lose his life as an immediate result, so that accused, at least so he imagined, could never be reproached with having killed a prisoner of war or an internee;

CONSIDERING that according to witness FILGATE's statement it had already been shown at once in the period of the 10th Battalion that nothing mattered to the accused and that he violated the rules and

regulations regarding-

regulations regarding the treatment of prisoners of war, so that his statement that he wished to show himself a first-class Japanese officer, seen in the light of his misbehaviour, contains both a great insult to the Japanese army, which naturally does not concern the Court, and is a brazen attempt to gloss over his natural brutality;

CONSIDERING that it was in the period of the Tjideng camp that the accused could for the first time really ^{use} himself go thoroughly and make ardent and ample use of the opportunity to torment the internees confided to him, this period lasting for much longer than a year and being brought to a close by him on 20th June 1945 with the words: "All the women are going to die";

CONSIDERING that although cowardliness has already been shown by beating and humiliating defenceless men in the 10th Battalion camp who had not been condemned to punishment, the cowardliness proper to sadists and brutes shown to weak, starving women and old people by striking them to the ground, brutally ill-treating them and humiliating them by cutting off their hair, resists every qualification;

CONSIDERING the fact that accused, knowing ^{how} unworthy of human acceptance the situation in the Tjideng camp was, knowing how bad the food situation was and also knowing how very near to the edge of despair and to death by starvation the shortage of medicines must have brought the inhabitants, and knowing all this nevertheless left the camp for some days without food, establishes without a shadow of doubt that accused approved the system of systematic starvation and stamps him as being a collaborator in carrying out the wishes of his superiors that as great a number of people as possible should be killed and as many as possible made unfit for society, both bodily and mentally;

CONSIDERING that counsel has advanced: as an excuse for the accused that the fact should be taken into consideration that the war situation which was steadily developing to Japan's disadvantage had a very unfavourable influence on his, accused's, feelings and mental balance, the internees being the victims, the Court however finds it difficult to view this as a mitigating circumstance; indeed, to revenge himself for a situation which he considered or felt to be wrong on persons entirely innocent of that situation and completely defenceless against his aggression can in no possible way be interpreted to the advantage of the accused but on the other hand as a gross abuse of power;

CONSIDERING that on the grounds of what has been weighed above and desirous that that order and those standards of humanity be rightly restored which accused without interruption ^{known} knowingly and intentionally disturbed for three years, and that retaliation be made for the unparalleled perfidy which plunged thousands of persons into the deepest misery, the acts committed being in nowise justified by the war situation regarding Japan, the Court is of the opinion that the penalty it must decide upon for accused is the DEATH PENALTY.

In view of Statute Book 1946 No. 44, 45, 46 and 47.

ADMINISTERING THE LAW:

Rejects the "exceptio obscuri libelli" put forward;

Declares

SONE KENITJI

guilty of the war crimes:

1. Systematic terrorism;
2. Bad treatment of prisoners of war;

3. Bad treatment-

3. Bad treatment of interned civilians;

Condemns him to the DEATH PENALTY;

Sentence passed on 14th August 1946 by

Col. Dr. J. H. Peter	President
Capt. Dr. E. Rijckmans)	Members
Major J. F. Hartman)	
British Army	

in the presence of
1st Lt. Dr. J. G. H. van der Starp, secretary;

summed up and decreed 2nd September 1946.

Noted by me:

The Secretary,
s/J. G. H. van der Starp

The President,
s/J. H. Peter.

Members,
s/J. F. Hartman
s/E. Rijckmans.

Sentence confirmed this day 2nd September 1946 by me, Ch. W. A. ABENHUIS.

The Chief Commanding Officer of the
A. M. A. - C. A. B. for West and Central
Java, Soerakarta and Djokjakarta,
s/ Ch. W. A. Abbenhuis.

Pronounced at the sitting of the Temporary Court-martial on the
6th September 1946 by Colonel Dr. J. H. Peter, president, in the presence of
Capt. Dr. E. Rijckmans and Major J. F. Hartman, British Army, members,
1st Lieutenant Dr. J. G. H. van der Starp, secretary, Dr. R. J. Beer, Prosecutor,
as well as in the presence of the accused and his counsel.

Noted by me:

The Secretary,
s/Dr. J. G. H. van der Starp.

The President,
s/J. H. Peter.

Members,
s/J. F. Hartman.
s/ E. Rijckmans.